

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

KEITH LAMAR,

Petitioner,

-vs-

TODD ISHEE, Warden,

Respondent.

:

Case No. 1:04-cv-541

:

District Judge Thomas M. Rose
Chief Magistrate Judge Michael R. Merz

:

**DECISION AND ORDER GRANTING PETITIONER'S MOTION TO CONDUCT
ADDITIONAL DISCOVERY**

This case is before the Court on Petitioner's Motion to Conduct Additional Discovery (Doc. No. 130) which Respondent opposes (Doc. No. 132).

Without engaging in the fine-grained analysis of the state of Petitioner's *Brady* claim(s) to which Respondent has invited the Court, the Petitioner's Motion will be granted on what Respondent's counsel refers to as a "no harm to Respondent" basis (See Doc. No. 132 at 2). Petitioner may depose Lieutenant Howard Hudson of the Ohio Highway Patrol on the existence *vel non* of additional prisoner statements. Said deposition shall be taken not later than October 15, 2006. The time within which Petitioner shall file any motion for evidentiary hearing is extended, *sua sponte*, to and including November 1, 2006.

September 18, 2006.

s/ Michael R. Merz
Chief United States Magistrate Judge